

New York State Department of Health
Center for Health Care Quality and Surveillance
Division of Adult Care Facility/Assisted Living Surveillance

**ASSISTED LIVING PROGRAM 4500 CONVERSION INITIATIVE FOR
TRANSITIONAL ADULT HOMES**

July 26, 2013

Dear Potential Applicant:

As a result of an amendment to Social Services Law (SSL), § 461-1, adopted as part of the state budget process for fiscal year 2013-14, the New York State Commissioner of Health is authorized to add up to 4,500 Assisted Living Program (ALP) beds to the gross number of ALP beds determined to be available as of April 1, 2012. The purpose of this letter is to inform you that the New York State Department of Health (the Department) is now soliciting applications for these ALP beds.

The amendment, found at SSL § 461-1 (3)(j), limits applicant eligibility to Transitional Adult Homes (TAHs); that is, adult homes established pursuant to SSL § 461-b with, as of September 1, 2012, a certified capacity of eighty (80) beds or more in which twenty-five percent or more of the resident population are persons with serious mental illness as defined by 18 NYCRR § 487.2(c). Please refer to Attachment 6 for the current listing of TAHs.

For this initiative, new construction projects are not eligible for reimbursement of construction costs. To be eligible for the real property capital construction costs pursuant to Public Health Law § 3614 (6)(b), the facility must propose to exclusively house ALP beds. Capital construction for approved ALP projects (**renovation of existing structure**) shall be subject to prior review and approval and reimbursement will be limited to necessary, certified costs not to exceed **25%** of the applicable Residential Health Care Facility (RHCF) bed caps for the region. Please refer to Attachment 7 which indicates construction caps for nursing homes by county.

In addition, applications must address the following:

- Development of independent living skills (*i.e.*, no lines for medication, meals or activities);
- Resident choice in choosing from whom to receive services and supports;
- Individuals will share units only by choice;
- That privacy in the sleeping unit will be provided unless a roommate is chosen;
- Individual and shared (double occupancy) dwelling units must contain separate living, dining and sleeping areas which provide adequate space and comfortable, home-like surroundings;
- The unit must contain a full bathroom (including a toilet, washstand and shower or tub);
- That adequate closet space for storing personal effects must be provided;
- That units must have lockable doors with appropriate staff having keys;
- Individuals have the freedom and support to control their own schedules and activities and have access to food at any time;
- Kitchen (to include area for food storage, refrigeration and meal preparation);
- That individuals have the right to decorate and furnish their unit; and
- That individuals are able to have visitors of their choosing at any time.

Interested parties are encouraged to review all application materials, as well as the statutes, rules and regulations that govern the ALP prior to submission of their application. Regulations are available on the Department's website at the following link: <http://www.health.ny.gov/regulations/>.

The relevant regulatory sections include:

- Title 18 Part 485 – General Provisions
- Title 18 Part 486 – Inspection and Enforcement
- Title 18 Part 487 – Standards for Adult Homes
- Title 18 Part 488 – Standards for Enriched Housing
- Title 18 Part 494 – Assisted Living Program
- Title 10 Part 86-7 – Assisted Living Program (Reimbursement Standards)
- Title 10 Part 765 & 766 – Home Care Licensure Standards
- Public Health Law – http://www.health.state.ny.us/regulations/public_health_law/
- Social Services Law Article 7 § 461-1

The Department will accept written questions received electronically via the Department's e-mail by August 14, 2013. All questions should be submitted with the subject line "ALP 4500 Conversion Initiative," to ALP4500@health.state.ny.us. In the event that any updates and/or clarification of information are warranted in regard to this initiative, information will be posted on the Health Commerce System (HCS) and the Department's public website. **Responses to questions received by August 14, 2013 will be posted by August 28, 2013.**

ALP 4500 Conversion Initiative for Transitional Adult Homes proposals are due by **4:00 p.m. on September 30, 2013.**

Applicants should clearly demonstrate:

- A commitment to the admission and retention of individuals eligible for or in receipt of Supplemental Security Income, Safety Net Assistance, or Medical Assistance;
- That they are in good standing with the Department (*e.g.*, good compliance history); and
- Be able to demonstrate the ability to commence service provision most quickly.

As required by SSL § 461-1, an ALP must possess either: a valid license as a licensed home care services agency (LHCSA) or a valid certificate of approval as a certified home health agency (CHHA). Those applicants not currently licensed as one of these types of home care providers may obtain approval as a LHCSA by completing the LHCSA Addendum, which will be made available as part of the ALP certificate of need (CON) application. If the ALP applicant is a LHCSA, it may choose to include a proposed contractual agreement with an existing CHHA or long-term home health care program (LTHHCP) to provide home health services to participate in the ALP residents' assessment/reassessment process or it may elect to conduct resident assessment/reassessments directly.

If the application is selected to proceed, the Department will send an approval letter to the applicant identifying the Certificate of Need (CON) application actions required.

All questions regarding the ALP Conversion Initiative process or questions on filing a CON or CON application should be directed to the Department via e-mail at: ALP4500@health.state.ny.us.

Sincerely,

Keith W. Servis
Director, Center for Healthcare Quality and
Surveillance